

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Hearing Date: June 17, 2015
@ 2:00 p.m.

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Case No. 14-43649-cec

In re:

Chapter 11

Yosi Shemtov,

Debtor,

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**DEBTOR'S OPPOSITION TO MOTION
TO CONVERT OR DISMISS THE DEBTOR'S CASE**

Yosi Shemtov("Debtor"), by its attorneys, Rosenberg, Musso & Weiner,
respectfully represents:

1. On July 17, 2014 ("Filing Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of title 11 of the Bankruptcy Code. Under Sections 1107 and 1108 of the Bankruptcy Code, the Debtor retained possession of its assets and is authorized to operate and manage its business as a debtor-in-possession. The Debtor owns eight real properties, located at 86-80 Midland Parkway, Jamaica, New York, 86-82 Midland Parkway, Jamaica, New York, 86-84 Midland Parkway, Jamaica, Brooklyn, New York, 86-86 Midland Parkway, Jamaica, New York, 137-82 70th Avenue, Flushing, New York, 100-21 39th Avenue, Corona, New York, 3-27 125th Street, College Point, New York, and 391 Van Siclen Avenue, Brooklyn, New York.

2. The Debtor files this motion in opposition to the motion of the United States Trustee to dismiss this Chapter 11 case.

3. On May 12, 2015, the Debtor filed a plan of reorganization and a disclosure statement. The hearing on approval of the disclosure statement is set for June 17, 2015. The plan provides for modification of the mortgages on five of the Debtor's properties, 86-80 Midland Parkway, Jamaica, New York, 86-82 Midland Parkway, Jamaica, New York, 86-84 Midland

Parkway, Jamaica, Brooklyn, New York, 86-86 Midland Parkway, Jamaica, New York, 137-82 70th Avenue, Flushing, New York, and surrender of the other three properties, 100-21 39th Avenue, Corona, New York, 3-27 125th Street, College Point, New York, and 391 Van Siclen Avenue, Brooklyn, New York.

4. Both before and after the Debtor filed his plan of reorganization, he sent proposed modification packages to his lenders on the five properties that the Debtor wants to retain. Most of the lenders have responded with a request for more information, which the Debtor has sent. Since the Debtor filed his plan, America's Servicing, which services the mortgage on 137-82 70th Avenue, Flushing, New York, agreed to reduce the amount owed from approximately \$863,000 to \$647,250, and to reduce the interest rate, but on different terms than the plan. The Debtor has accepted this proposal and the attorneys for America's Servicing are preparing a stipulation with the terms to be incorporated into the plan. The Debtor expects that settlement to be the model for the other modifications. The Debtor has also heard from the attorneys for Wells Fargo on the 86-80 Midland Parkway and the 86-86 Midland Parkway properties requesting additional information before they can evaluate the Debtor's plan.

5. Because it appears that the Debtor's lenders are receptive to the Debtor's plan, or at least willing to give it serious consideration, the Debtor believes that he can reorganize. The plan and disclosure statement will need to be amended to reflect the settlement with America's Servicing and the anticipated settlements with the other lenders.

6. The Debtor has filed all of his monthly operating reports and will continue to file them. The Debtor agrees that conversion of this case is not in the best interest of creditors because there are few, if any, unsecured creditors, and no assets with equity for a trustee to administer. The Debtor requests that this Court not grant the United States Trustee's motion, at

least not at this time, to give the Debtor a period of time to conclude his modification negotiations with his lenders. The Debtor has already reached an agreement with one lender and believes that the others will follow suit.

Wherefore, it is respectfully requested that this Court deny the motion of the United States Trustee and grant such other relief as is just and proper.

Dated: Brooklyn, New York
June 10, 2015

ROSENBERG, MUSSO & WEINER, LLP
Attorneys for Debtor

By: /s/
Bruce Weiner (BW 4730)
26 Court Street, Suite 2211
Brooklyn, New York 11242
(718) 855-6840